



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

DIRECTOR'S ORDER NO. 149

Subject: Disciplinary Actions for Misuse or Nonpayment of Government-Issued Charge Cards

Sec. 1 What is the purpose of this Order? This Order provides Service policy and procedures for consistent and fair administration of disciplinary actions resulting from Government-issued charge card misuse and/or individually-billed account delinquency.

Sec. 2 Does this Order supersede other directives? This Order supersedes Director's Order No. 140, November 9, 2001.

Sec. 3 What is the scope of this Order? This Order applies to supervisors and managers responsible for administering disciplinary actions resulting from Government-issued charge card misuse and/or individually-billed account delinquency.

Sec. 4 What is the responsibility of immediate supervisors?

a. Upon notification that an individually billed account has reached a past due status, the employee's immediate supervisor must discuss the matter with the employee and strongly urge him or her to resolve the past due account. The supervisor must counsel the employee regarding possible adverse actions resulting from nonpayment of charge card accounts and follow up such discussions in writing. The supervisor must consider formal disciplinary action if the charge account delinquency continues and/or if the employee's ability to perform his or her assigned duties is compromised as a result of charge card suspension or cancellation.

b. Upon notification of an employee's misuse of the Government-issued charge card, the supervisor must initiate formal disciplinary action. Though intentional misuse of the charge card is more serious, supervisors must take corrective action immediately to address any misuse of the card.

c. Before initiating any formal action and before issuing any notices to the employee, the supervisor must contact his or her servicing human resources office to ensure that all necessary requirements are satisfied and that all appropriate documents are properly prepared.

Sec. 5 What is the penalty for charge card misuse or nonpayment of an individually-billed account? Charge card misuse or account nonpayment can result in suspension or cancellation of the cardholder's account and disciplinary action that may include removal. Gross negligence and misuse will result in referral to the Office of the Inspector General for investigation.

Sec. 6 How is a determination made of which penalty to impose in a particular situation? Determining which penalty to impose in a particular situation requires the application of reasonable judgment. Disciplinary action is based on a conclusion that there is sufficient evidence available to support the reason(s) for action and that disciplinary action is warranted and reasonable in terms of the circumstances that prompted it. In determining the appropriate penalty, you must observe the principle of "like penalties for like offenses in like circumstances." This means that you must apply penalties as consistently as possible. Refer to the Department's Handbook on Charges and Penalty Selection for Disciplinary and Adverse Actions. The penalty guide provides a starting point for a supervisor or manager who must propose or decide discipline, and helps maintain consistency within the Service. The Handbook lists penalties ranging from a letter of reprimand to removal for a first offense of charge card misuse or failure to pay the full account balance on the Government-issued charge card. A 3-day suspension should be the starting point when selecting a penalty for a first offense of charge card misuse or individually-billed account delinquency. You should then consider the following critical factors in selecting the appropriate penalty:

- a. The nature and seriousness of the offense, and its relation to the employee's duties, position, and responsibilities, including whether the offense was intentional or technical, or inadvertent, or was committed maliciously or for gain, or was frequently repeated.
- b. The employee's job level and type of employment, including supervisory or fiduciary role; contacts with the public; and the prominence of the position.
- c. The employee's past disciplinary record.
- d. The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability.
- e. The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon the supervisor's confidence in the employee's ability to perform assigned duties.
- f. Consistency of the penalty with those imposed upon other employees for same or similar offenses.
- g. Consistency of the penalty with any applicable agency table of penalties.
- h. The notoriety of the offense or its impact upon the reputation of the agency.
- i. The clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question.

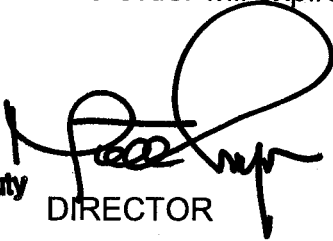
j. Potential for the employee's rehabilitation.

k. Mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice, or provocation on the part of others involved in the matter.

l. The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

Sec. 7 What is the effective date of this Order? This Order is effective immediately. We will include the provisions of this Order in 227 FW 2 of the Fish and Wildlife Service Manual.

Sec. 8 When does this Order expire? This Order will expire on June 30, 2004, unless amended, superseded, or revoked.


Deputy DIRECTOR

Date: April 3, 2003